

1
2
3
4

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 ATMEL CORPORATION, et al., No. C-06-02138 CW (EDL)
9 Plaintiffs,
10 v.
11 AUTHENTEC INC,
12 Defendant.
**ORDER RE: PARTIES' L
DATED MARCH 5, 2008 A
2008 AND SETTING NEW
SCHEDULE FOR DEFEN
MOTION FOR SANCTIO**

**ORDER RE: PARTIES' LETTERS
DATED MARCH 5, 2008 AND MARCH 6,
2008 AND SETTING NEW BRIEFING
SCHEDULE FOR DEFENDANT'S
MOTION FOR SANCTIONS**

14 On February 21, 2008, the Court issued an Order addressing the parties' dispute regarding
15 the adequacy of Plaintiffs' response to two court-ordered Requests for Admission. In that Order, the
16 Court required lead counsel to meet and confer by telephone regarding the dispute, and gave
17 Defendant leave to file a motion for sanctions on shortened time if any dispute remained after the
18 meet and confer. According to the parties' March 5, 2008 and March 6, 2008 letters, lead counsel
19 met and conferred pursuant to the Court's Order, but there is some dispute about the subjects
20 discussed at that conference. The Court, however, is not willing to resolve collateral disputes about
21 the subjects discussed during the parties' meet and confer sessions, which are unfortunately typical
22 of this heated litigation. Although Plaintiffs supplemented their responses to the Requests for
23 Admission as discussed during the parties' February 27, 2008 meet and confer session, Defendant
24 contend that those responses are inadequate and filed a motion for terminating sanctions on March 4,
25 2008 as permitted by the Court's Order.

26 Plaintiffs argue that because Defendant's motion for sanctions alleges extensive discovery
27 misconduct, they require more than the originally ordered three days to oppose. The Court agrees

28

1 that based on the scope of the motion for sanctions and the severity of the relief sought,¹ the briefing
2 schedule should be extended to give Plaintiff adequate time to respond to the wide-ranging issues.
3 Moreover, Plaintiffs' supplemental responses to the Requests for Admission alleviated at least some
4 of the urgency which was the basis for the shortened briefing schedule. Accordingly, the Court
5 continues the hearing on Defendant's motion to April 15, 2008. Plaintiffs shall file their opposition
6 no later than March 25, 2008, and Defendant's reply shall be filed no later than April 1, 2008.
7 Because the meet and confer process with respect to these issues does not appear to have been
8 particularly productive, the Court relieves the parties from any further meet and confer requirement
9 for this motion only, although it urges the parties to informally discuss resolution of the issues
10 without court intervention. The parties are reminded that lead counsel are required to meet and
11 confer in person with respect to any future discovery disputes.

12 **IT IS SO ORDERED.**

13 Dated: March 6, 2008

Elizabeth D. Laporte
14 ELIZABETH D. LAPORTE
United States Magistrate Judge

27 ¹ Plaintiffs state in their March 5, 2008 letter that "the type of relief Defendant has
28 requested (i.e., case terminating sanctions) is not the type of relief that falls within the ambit of the
Court's jurisdiction." If the Court were to conclude that terminating sanctions are warranted, it would
do so in the form of a Report and Recommendation to Judge Wilken.